

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 11235 of 2012 (D)

PETITIONER(S):

1. **SADANANDAN.K, AGED 78 YEARS,
KANDIYIL HOUSE, KOTTOOLI.P.O., KOZHIKODE-673 016.**
2. **RAJESH.P.,
S/O.ANANDAN, AYYAPPANKUNNATH HOUSE, KOTTOOLI.P.O.,
KOZHIKODE-673 016.**
3. **PRAVEEN.K.,
S/O.K.SREEDHARAN, KANDIYIL HOUSE, KOTTOOLI.P.O.,
KOZHIKODE-673 016.**

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENT(S) :

1. **STATE OF KERALA,
REP.BY THE SECRETARY, TRANSPORT DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM- 695 001.**
2. **THE REGIONAL TRANSPORT AUTHORITY,
REP.BY ITS SECRETARY, KOZHIKODE-673 001.**
3. **THE SUPERINTENDING ENGINEER (ROADS),
PUBLIC WORKS DEPARTMENT, KOZHIKODE-673 001.**
4. **KOZHIKODE CORPORATION,
REP.BY ITS SECRETARY, KOZHIKODE-673 032.**
5. **SUB INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION, KOZHIKODE-673 031.**
6. **JAGANADHAN KANDIYIL,
S/O.RAMAN, "RAM VIJAY", KOTTOOLI.P.O.,
KOZHIKODE-673 016.**
7. **FAISAL KURIKKAL,
KURIKKAL HOUSE, ST. VINCENT COLONY, KOZHIKODE-673 006.**

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8. STATE TRANSPORT AUTHORITY,
REP.BY ITS SECRETARY, THIRUVANANTHAPURAM- 695 001.

9. THE SUPERINTENDING ENGINEER,
IRRIGATION DEPARTMENT, KOZHIKODE- 673 001.

R1 TO R3, R5, R8 & R9 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ
R4 BY ADV. SRI.K.D.BABU, S.C
R6 BY ADVS. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE PHOTOGRAPHS SHOWING THE DAMAGE CAUSED TO THE RESIDENTIAL BUILDING OF THE 3RD PETITIONER.

EXHIBIT P2: A TRUE COPY OF THE JUDGMENT IN WP[C]NO.1621/12 OF THIS HON'BLE COURT.

EXHIBIT P3: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE RESPONDENTS 2,3 AND 4 DATED 25.02.2012.

EXHIBIT P4: TRUE COPY OF THE NOTICE DATED 21.01.2012 OF THE ENGINEER OF THE 4TH RESPONDENT CORPORATION.

RESPONDENT(S)' EXHIBITS

EXHIBIT R6(A): TRUE COPY OF THE RECEIPT FOR PAYING BUILDING TAX IN THE YEAR 1963.

EXHIBIT R6(B): TRUE COPY OF THE RECEIPT FOR PAYING BUILDING TAX IN THE YEAR 1971.

EXHIBIT R6(C): TRUE COPY OF THE RECEIPT FOR PAYING BUILDING TAX IN THE YEAR 1963.

//TRUE COPY//

P.A.TO JUDGE.

Msd.

K. VINOD CHANDRAN, J

W.P(C) No. 11235 of 2012

Dated this the 15th day of January, 2015

J U D G M E N T

The petitioners are aggrieved with the plying of heavy goods vehicles through a road passing through the front of their house. The goods vehicles are alleged to be plied by the 7th respondent, who is conducting a sanitary whole-sale business in a godown, owned by the 6th respondent.

2. The learned counsel for the petitioner submits that there is constant plying of vehicles which has caused considerable damage to the residence of the petitioner. The learned Senior Counsel for the 6th respondent, however, submits that there is only intermittent transport and the business of the 7th respondent is in sanitary equipment and there cannot be any constant plying of vehicles on the road. The allegation of nuisance and damages caused are also

stoutly refuted.

3. The Corporation has already been apprised of the grievance of the petitioners, and has also issued Ext.P4 wherein it is stated that the dispute has been referred to the Public Works Committee. There is also considerable dispute with respect to the authority who has the charge of the subject-road. While the learned Government Pleader submits that it is owned by the Corporation and not by the PWD, the learned counsel for the 6th respondent asserts that, it is in fact controlled by the Irrigation Department. In any event, the appropriate authority would have to take action on the complaint of the petitioners, which has been pending for two years. The petitioners shall move a fresh representation before the appropriate authority, if so advised and the authority shall consider the same however, with notice to the respondents 6 and 7.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge